



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,852	02/13/2004	Gi Hong Kim	8733.446.10-US	6132
30827	7590	01/10/2006	EXAMINER	
MCKENNA LONG & ALDRIDGE LLP 1900 K STREET, NW WASHINGTON, DC 20006			NGO, HUYEN LE	
			ART UNIT	PAPER NUMBER
			2871	

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/777,852	Applicant(s) KIM ET AL	
	Examiner Julie-Huyen L. Ngo	Art Unit 2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2005.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,17,18,21, 24-26,28,30-32,34,35,37,39,41,43 and 44 is/are pending in the application.
 4a) Of the above claim(s) 12-17,24-26,28,30-32,34,35,37,39,41,43 and 44 is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1,2,18 and 21 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
 5) ☐ Notice of Informal Patent Application (PTO-152)
 6) ☒ Other: Fig 3 & 6 (Attachment 1 & 2)

Attachment 1
(for claim 1)

Fig. 3

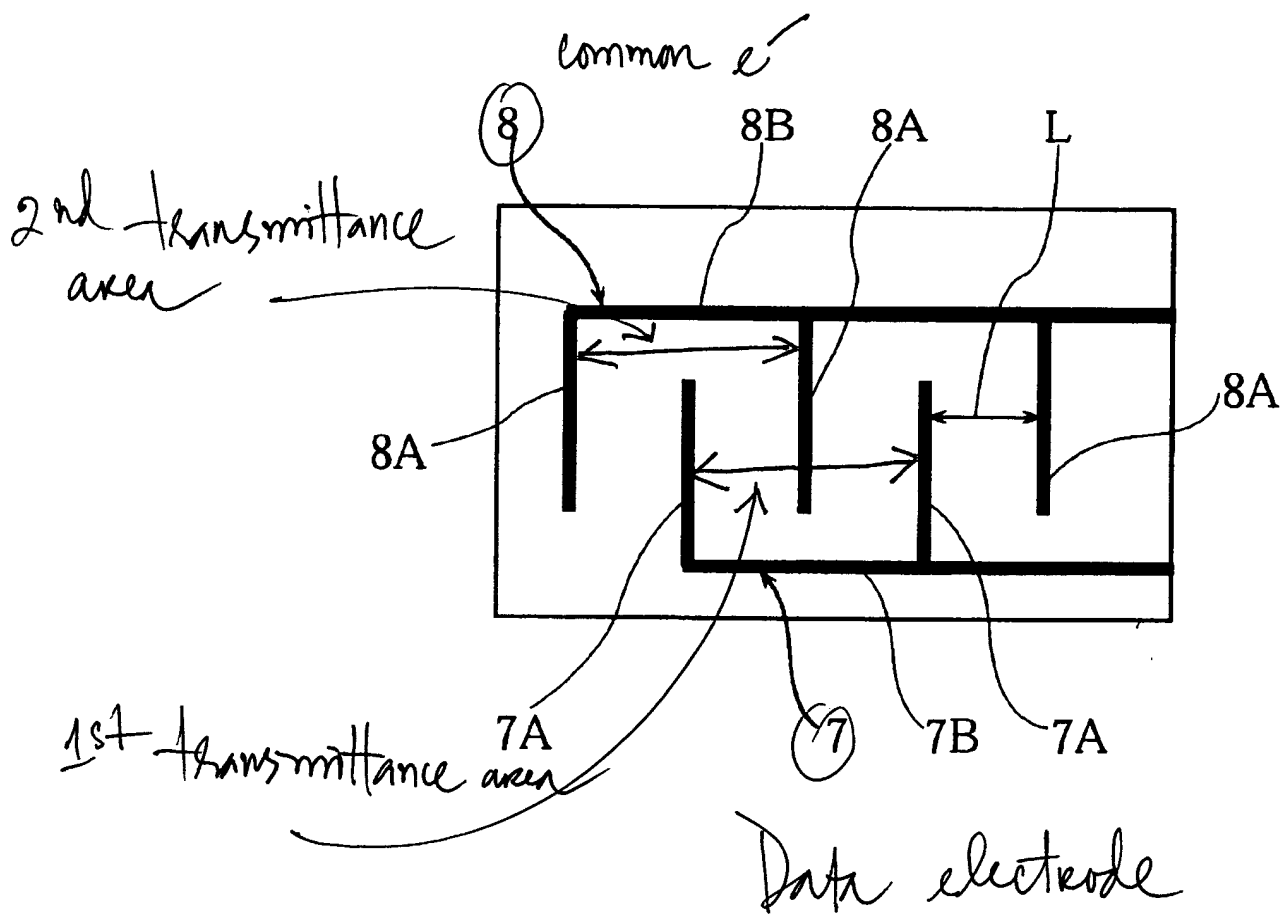
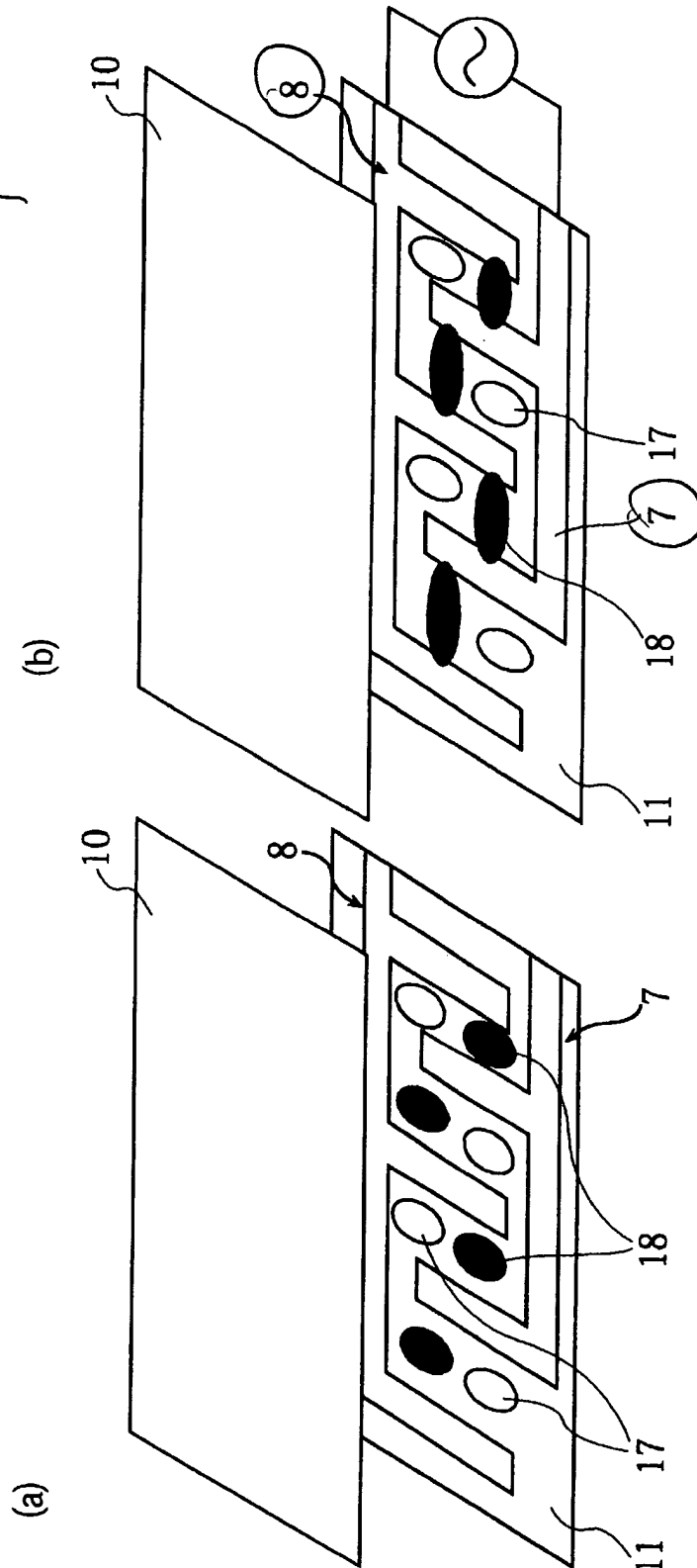


Fig. 6

Attachment 2
(for claim 18)



DETAILED ACTION

Response to Argument

Applicant's arguments with respect to claims 1, 2 and 18 based on the Response filed on November 02, 2005 have been considered; however, the same ground of rejection is applied. Therefore, this is a Final action.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1 and 18 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,724,454. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1 and 18 of the instant application are broader

than claim 1 of U.S. Patent No. 6,724,454, which is a Patent of a parent application from which this application is a division of. The subject matter recites in claims 1 and 18 are fully claimed in the Parent Application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 18 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Kubota et al. (US6429914B1).

With respect to claims 1 and 18, Kubota et al. teach (Figs. 1-3 and 6) forming an in-plane switching liquid crystal display device comprising:

- first and second substrates 10/11;
- a plurality of data lines 6 on the first substrate;
- a plurality of gate lines 4 crossing the data lines on the first substrate, perpendicular to the data lines;
- a plurality of pixel areas on said first substrate defined by the data and gate lines;
- data electrodes (driving electrode 7) and common electrodes (opposite electrodes 8) alternately formed in each of said pixel areas, the data electrodes having a first transmittance area with distance of 26μm and the common electrodes having a second transmittance area with distance of 26μm, wherein

Art Unit: 2871

the first transmittance area equals the second transmittance area (see figure 3 in attachment 1); or a data electrodes (driving electrode 7) and common electrodes (opposite electrodes 8) alternately formed in each of said pixel areas and patterned to have the same light transmitting area according applied voltage (see figure 6 in attachment 2)

- a liquid crystal layer 18 between said first and second substrates.

wherein

Claims 2 and 21:

- the data electrodes and the common electrodes are on the same layer.

Election/Restrictions

This application contains claims 12-17, 24-26, 28, 30-32, 34, 35, 37, 39, 41, 43 and 44 drawn to an invention nonelected without traverse in a Response file on July 11, 2005. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Response to Arguments

Applicant's arguments filed on November 02, 2005 have been fully considered but they are not persuasive.

Applicant's ONLY arguments are:

1) In the Office Action, claims 1 and 18 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of

Art Unit: 2871

U.S. Patent No. 6,724,454. Applicants respectfully disagree with the rejection and traverse because the double patenting rejection is improper. "Generally, a double patenting rejection is not permitted where the claimed subject matter is presented in a divisional application as a result of a restriction requirement made in a parent application under 35 U.S.C. 121" (MPEP, j 804). The present application is a divisional of application serial number 09/892,879, now Patent No. 6,724,454. A restriction requirement was issued in the parent application on April 2, 2003.

2) Kubota fails to teach or suggest an in-plane switching liquid crystal display device including "*the data electrodes having a first transmittance area and the common electrodes having a second transmittance area, wherein the first transmittance area equals the second transmittance area*" as recited in independent claim 1 of the present application.

3) Kubota further fails to teach an in-plane switching liquid crystal display device having "*data electrodes and common electrodes alternately formed in each of said pixel areas and patterned to have the same light transmitting area according to applied voltage*" as recited in independent claim 18 of the present application.

Examiner's responses to Applicants' ONLY arguments:

1) In the parent application S.N. 09/892,879, now U.S. Patent No. 6,724,454, Applicant elected First embodiment (Fig. 4A) May 2, 2003, and on December 10, 2003,

Applicant amended the original claims 1, 18 and 32 by adding the specific limitations that read on and according to the elected Embodiment for allowance.

However, in claims 1 and 18 of this pending application 10/777,852, Applicant **claims the same, similar limitations recited in claims 1 of the Patent No. 6,724,454.**

Further more, Applicant is to note that a Division Application shall be a carved out of a pending application, which claims only subject matter disclosed in the earlier or parent application that directs to an independent or distinct invention. See MPEP 201.06 [R-2] Divisional Application. Since this is a Division of the parent application 09/892,879, and Applicant has elected Species I readable on Figure 4C on July 11, 2005, this application shall contain only claims direct to that elected Species.

2) Applicant is to note in Fig. 3 (see attachment 1) of Kubota reference, which teaches an in-plane switching liquid crystal display device including “*the data electrodes 7 having a first transmittance area and the common electrodes 8 having a second transmittance area, wherein the first transmittance area equals the second transmittance area*”. Therefore, the limitation recited in the independent claim 1 of the present application is fully met by the reference of Kubota.

3) Applicant is to note in Figure 6b (see attachment 2) of Kubota reference, which teaches an in-plane switching liquid crystal display device having “*data electrodes 7 and common electrodes 8 alternately formed in each of said pixel areas and patterned to have the*

same light transmitting area according to applied voltage'' as recited in the independent claim 18 of the present application.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

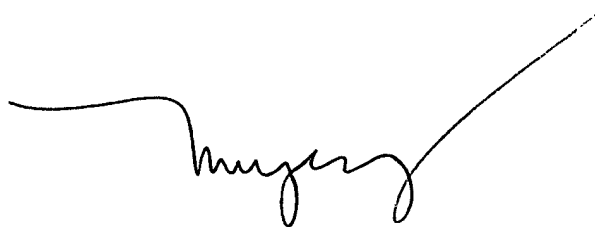
Contact Information

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Julie-Huyen L. Ngo whose telephone number is (571) 272-2295. The Examiner can normally be reached on Monday - Thursday.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Robert H. Kim can be reached at (571) 272-2293.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1562.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Julie-Huyen L. Ngo', with a long horizontal line extending to the left and a long diagonal line extending upwards and to the right.

January 6, 2006

Julie -Huyen L. Ngo
Patent Examiner
Art Unit 2871